

**CONSERVATION COMMISSION
MINUTES of MEETING
Tuesday, July 14, 2020
TOWN HALL ANNEX, 39 CENTRAL STREET
APPROVED: 8/4/2020**

Present: Chair Daniel Shinnick, Vice Chair Sam Streiff, Robert Garner, Jena Haag,
Howard Terrien and Howard Vogel
Absent: N/A
Attending: Brent Baeslack, Conservation Agent

Opening Statement: Authorized by Wetlands Protection Act, Town of Rowley Wetlands Protection Bylaw, and the Stormwater Management and Erosion Control Bylaw. Meeting convened 7:30 PM (all Legal ads were read to open new agenda items at time noticed).

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 10 people due to the COVID-19 pandemic, this meeting was conducted by remote participation to the greatest extent possible. The Commission and the public did not physically attend this meeting, but every effort was made to allow the public to view the meeting in real time. Persons who wished to do so were invited to watch the meeting on Rowley Community Media TV or to join the meeting from a computer, tablet or smartphone by using a link for GoToMeeting or dialing in by phone.

Administrative: Commissioners authorized the payroll and Vendor Bill requests which had been presented for review.

Acceptance of Minutes:

After the Commission reviewed the minutes, Shinnick moved to accept the Minutes of June 23, 2020. Streiff seconded and the motion passed unanimously by roll call vote.

After the Commission reviewed the minutes, Shinnick moved to accept the Minutes of September 15, 2009. Terrien seconded and the motion passed unanimously by roll call vote.

Certificate of Compliance Request(s):

Continued Request for a Certificate of Compliance 305 Newburyport Turnpike (Map 17, Parcel 20, Lot 47) Ed Surette, Trustee of Prime Realty Trust – No one was available for this item. Agent Baeslack advised that he was waiting for confirmation that two final project tasks had been completed. No further action can be taken at this time. Item will be continued to the next meeting.

Shinnick moved that the matter be continued to the meeting of August 4, 2020. Haag seconded and the motion passed unanimously by roll call vote.

Status Reports: Permits & Enforcement

623 Wethersfield St. et al (Map 11, Parcel/Lots 58, 53, 58-1, 58-2, & 58-2A) Rowley Solar Facility operator PowerFund 1 owned by Maven Revocable Trust – Discussion of site compliance and the submitted communications Report dated June 9, 2020. Mr. Dirk Michaels of PowerFund 1 was in attendance to answer questions from the Commission. Shinnick explained that an email had been received explaining that the site was in compliance but the Commission did not agree with this assessment. Specifically the fact that basin #4 was not retaining water in order for it to infiltrate as designed, and was allowing stormwater to enter the outlet structure possibly by faulty joint connections which then allowed its immediate discharge into wetlands and the abutting property owned by Mr. Kassiotis. Mr. Michaels reviewed the recently submitted construction schedule and noted that basin #4 was one of the first areas to be given attention by the site contractor. The Commission was satisfied with the schedule.

29 Wilkes Road (Map 6, Parcel 14, Lot 3) Filho Osvaldo Luiz & Ana Paula Tameirao – Notice of Violation for cutting and disturbance (altering) the restricted No Cut/ No Disturbance Zone within the 100' Buffer Zone to Bordering Vegetated Wetlands. No was in attendance to address the Commission. Agent Baeslack gave a brief overview of the violations with photographs and the issued Enforcement Order.

Garner moved to confirm and ratify the issued Enforcement Order. Haag seconded and the motion passed unanimously by roll call vote.

Mr. Timothy Toomey joined the meeting during the discussion of 29 Wilkes Road and asked to speak regarding the matter of Rowley Solar Facility at 623 Wethersfield Street. Shinnick advised that the 623 Wethersfield Street matter was closed. Mr. Toomey advised that he had not been able to access the meeting and that Agent Baeslack had deleted him from the meeting. Shinnick and Agent Baeslack both stated that Mr. Toomey had not been deleted from the meeting. Mr. Toomey asked Shinnick if this was a public meeting and if the matter would be discussed. Shinnick advised that the matter of 623 Wethersfield Street was closed and there would be no further discussion on the matter.

32 Ocean Avenue, Rowley, MA 01969 (Map 27, Parcel/Lot 113) Timothy Collier – Notice of Violation for cutting and clearing of vegetation (altering) the 100' Buffer Zone to Bordering Vegetated Wetlands. Mr. Timothy Collier and his representative, Ms. Mary Rimmer of Rimmer Environmental were available to speak with the Commission. Agent Baeslack gave a brief overview of his site visit which confirmed the cutting and clearing in the 100' Buffer Zone but not the 25' No Cut/No Disturb Area. He recommended the issuance of an Enforcement Order. Ms. Rimmer explained that she believed there was no immediate concerns with the site and would like to meet with Agent Baeslack on site to determine the next steps to resolve the problem.

Vogel moved to issue an Enforcement Order. Streiff seconded and the motion passed unanimously by roll call vote.

Mr. Timothy Toomey once again asked if the public could comment on the previous project. Mr. Toomey asked if he could call over the next week to discuss. It was unclear if he wished to speak with Agent Baeslack or Chairman Shinnick. He was advised that this was an administrative item and comments would not be taken from the public.

Enforcement Order 325 Wethersfield Street (Map 19, Parcel 8, Lot 17) Dominic & Jennifer Baraiolo – Agent Baeslack gave a brief report on the recent site visit with photographs and advised that Tyler Ferrick of DeRosa Environmental Consulting had been engaged to address the violation issues. No further action needs to be taken at this time.

Enforcement Order 11 Rivers Edge Drive (Map 10, Parcel 3, Lot 5-3) John & Lauryn Deluise – A request had been submitted by Mary Rimmer of Rimmer Environmental Consulting for a two week extension of time to submit a restoration plan. The Commission discussed the extension and approved an additional two weeks.

Discussion:

Chairman Shinnick acknowledged Judith Kehs decision to not seek reappointment and her 40 years of service to the Conservation Commission. He expressed the appreciation for her long commitment to the Commission.

Adjournment:

Accomplished at 8:43 PM by a motion made by Streiff. Haag seconded and the motion passed unanimously by roll call vote.

Submitted by Brent Baeslack, Conservation Agent